

Authority: Community Services Committee Report No. 8, Clauses Nos. 19 and 20,
as adopted by City of Toronto Council on October 3, 4 and 5, 2000
Enacted by Council: October 5, 2000

CITY OF TORONTO

BY-LAW No. 838-2000

To amend By-law No. 48-2000 to expand the scope of the Tenant Support Grants Program.

WHEREAS section 113 of the Municipal Act provides that the council of every municipality may, subject to section 111 of the Municipal Act, make grants, on such terms and conditions as to security and otherwise as the council may consider expedient, to any person, institution, association, group or body of any kind or any purpose that, in the opinion of the council, is in the interests of the municipality; and

WHEREAS City Council created the Tenant Support Grants Program to provide for grants to eligible tenant groups for disputing landlord's applications for above-guideline rent increases and for retaining professional services to assist in disputing such applications; and

WHEREAS City Council desires to expand the scope of the Tenant Support Grants Program; and

WHEREAS City Council desires to relax the requirement for proof of rent for the determination of eligibility for grants under the program; and

WHEREAS City Council desires to allow for the release of up to 50% of the basic grant commitment to Eligible Groups before the hearing of the Landlord Application to allow for the Eligible Groups to retain representation at the hearing;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. (1) Subsection 1(d) of By-law No. 48-2000, "A by-law to establish a Tenant Support Grants Program" is revoked and the following substituted:
 - (d) "Landlord Application" shall mean
 - (i) an application to the Ontario Rental Housing Tribunal by a landlord for an order allowing the rent charged to be increased by more than the guideline for any or all of the rental units in a Residential Complex, pursuant to section 138 of the *Tenant Protection Act, 1997*;
 - (ii) an appeal to the Divisional Court of an order referred to in clause 1(d)(i), pursuant to section 196 of the *Tenant Protection Act, 1997*;
 - (iii) an application to the Divisional Court for judicial review of the proceedings referred to in clause 1(d)(i); or

- (iv) an application or appeal to the Ontario Municipal Board by a landlord seeking approvals which, if acted upon, would result in the demolition or conversion of rental units, or would otherwise adversely affect the supply of affordable rental housing.
- (2) Subsection 1(i) of the By-law is revoked and the following substituted:
- (i) “Tribunal” shall mean the statutory body or court which is empowered to hear and dispose of the Landlord Application and includes the Ontario Rental Housing Tribunal, the Divisional Court and the Ontario Municipal Board.
2. (1) Subsection 3(a) of the By-law is revoked and the following substituted:
- (a) The Commissioner, upon application made to the Commissioner in accordance with section 4 and subject to a final verification of eligibility as set out in subsection 3(d), shall approve applications and commit a grant to an Eligible Group for the purposes of disputing a Landlord Application;
- (2) Section 3 of the By-law is amended by adding the following:
- (c.1) The Commissioner, upon receipt of a written request from the Eligible Group, shall release to the Eligible Group an amount not exceeding 50% of the basic grant commitment made by the Commissioner, such funds to be used for the purpose of retaining a qualified agent or lawyer for representation at the hearing of the Landlord Application;
 - (c.2) The written request from the Eligible Group required in subsection (c.1) shall be accompanied by:
 - (i) a copy of a Notice of Hearing with respect to the Landlord Application;
 - (ii) a letter from a qualified agent or lawyer stating the agent or lawyer will represent the Eligible Group at the hearing of the Landlord Application; and
 - (iii) evidence of the rent for each rental unit affected by the Landlord Application;
- (3) Subsection 3(d) of the By-law is revoked and the following substituted:

- (d) The Commissioner, upon receipt of a report made in accordance with section 6 by an Eligible Group to whom a commitment for an additional grant has been made, shall, provided the documentation submitted in accordance with section 6 verifies that the group meets the eligibility requirements set out in subsection 2(d), pay to the Eligible Group an amount which is the lesser of the grant commitment made by the Commissioner and the amount of Eligible Expenditures for which the Eligible Group provides invoices in accordance with section 6, less any amount released by the Commissioner in accordance with subsection 3(c.1).

- 3.
 - (1) Subsection 4(a) of the By-law is amended by adding “, the size and unit type of the tenant’s rental unit, according to the categories listed in subsection 2(d),” to the second line, immediately following the words “stating the name of each tenant”.
 - (2) Subsection 4(b) of the By-law is revoked and the following substituted:
 - (b) A copy of the Landlord Application;

- 4.
 - (1) Subsection 6(a) of the By-law is amended by deleting the word “and” at the end of the subsection.
 - (2) Subsection 6(b) of the By-law is amended by deleting the punctuation mark “.” at the end of the subsection and substituting “; and”.
 - (3) Section 6 of the By-law is amended by adding the following:
 - (c) unless previously provided, evidence of the rent for each rental unit affected by the Landlord Application.

- 5.
 - (1) Subsection 8(a) of the By-law is revoked and the following substituted:
 - (a) The Commissioner, upon application made to the Commissioner in accordance with section 9 and subject to a final verification of eligibility as set out in subsection 8(d), shall approve applications and commit an additional grant to an Eligible Group for the purposes of retaining Eligible Professional Services to assist in disputing the Landlord Application;
 - (2) Subsection 8(d) of the By-law is revoked and the following substituted:
 - (d) The Commissioner, upon receipt of a report made in accordance with section 11 by an Eligible Group to whom a commitment for an additional grant has been made, shall, provided the documentation submitted in accordance with section 11 verifies that the group meets the eligibility

requirements set out in subsection 2(d), pay to the Eligible Group an amount which is the lesser of the remaining portion of the additional grant commitment made by the Commissioner and the amount of Eligible Expenditures for which the Eligible Group provides invoices in accordance with section 11.

6. (1) Subsection 9(a) of the By-law is amended by adding “, the size and unit type of the tenant’s rental unit, according to the categories listed in subsection 2(d),” in the second line, immediately following the words “stating the name of each tenant”.
- (2) Subsection 9(b) of the By-law is revoked and the following substituted:
 - (b) A copy of the Landlord Application;
7. Subsection 10(b) of the By-law is revoked and the following substituted:
 - (b) Each Eligible Group to whom a commitment for an additional grant has been made will be eligible for an additional grant in the amount of its Eligible Expenditures, up to a total maximum amount of:
 - (i) \$5000.00 with respect to a proceeding before the Ontario Rental Housing Tribunal described in clause 1(d)(i);
 - (ii) \$10,000.00 with respect to a proceeding before the Divisional Court described in clause 1(d)(ii) or 1(d)(iii);
 - (iii) \$15,000.00 with respect to a proceeding before the Ontario Municipal Board described in clause 1(d)(iv).
8. Section 11 of the By-law is revoked and the following substituted:
 11. (1) Every Eligible Group to whom a commitment for an additional grant has been made with respect to a Landlord Application described in clauses 1(d)(i), 1(d)(ii) or 1(d)(iii) must, within three months of the Tribunal’s disposition of the Landlord Application, submit a report to the Commissioner, in a form satisfactory to the Commissioner accompanied by the following documentation:
 - (a) an order issued by the Tribunal disposing of the Landlord Application, in which the Eligible Group is not noted in default;
 - (b) invoices for each of the Eligible Expenditures incurred by the Eligible Group; and

- (c) evidence of the rent for each rental unit affected by the Landlord Application.
- (2) An Eligible Group to whom a commitment for an additional grant has been made with respect to a Landlord Application described in clause 1(d)(iv) may, at any time after the commencement of the hearing, submit a report to the Commissioner, in a form satisfactory to the Commissioner accompanied by the following documentation:
- (a) invoices for any Eligible Expenditures incurred by the Eligible Group; and
 - (b) unless previously provided, evidence of the rent for each rental unit affected by the Landlord Application.

ENACTED AND PASSED this 5th day of October, A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)